

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7831 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and  
MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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TORRENT PHARMACEUTICALS LTD

Versus

STATE OF GUJARAT

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Appearance:

MR SB VAKIL for Petitioner  
GOVERNMENT PLEADER for Respondent No. 1  
MR HB SHAH for Respondent No. 4

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CORAM : MR.JUSTICE B.C.PATEL and  
MR.JUSTICE S.M.SONI

Date of decision: 08/09/97

ORAL JUDGEMENT (Per Patel, J.)

Rule. Mr. Trivedi waives service on behalf of Gujarat Pollution Control Board, Mr. Rawal, learned A.G.P. waives service on behalf of the State of Gujarat and Mr. H.B. Shah waives service on behalf of the Ahmedabad

Electricity Company Limited. At the request of the learned counsel for the parties, the matter is taken up for final hearing today.

So far as the report of the GPCB is concerned, there is nothing adverse to the Unit. With regard to authorisation under the Hazardous Waste (Management & Handling) Rules, 1987, for operating disposal of the waste, permission is granted on 30.8.1997 for operating storage facility within the factory premises. About the discharge, no complaint is made by the GPCB against the Unit. The learned counsel states that the amount of 1% is already paid and since long the unit is meeting with the norms.

It appears that the unit was required to file this Special Civil Application as the Government issued notice under Section 5 of the Environment (Protection) Act, 1986 and the rules framed thereunder on the premises that the unit was discharging more than 25,000 litres of water per day and has no primary or secondary treatment plant and the unit is not discharging the trade effluent as per norms of the GPCB. There is a report of NEERI indicating about erection of primary and secondary treatment plants in the unit. It is also made clear to us by the learned counsel for the GPCB that now the unit has primary and secondary treatment plant and the unit is discharging the trade effluent as per the norms of GPCB.

In view of what we have observed hereinabove, the petition is required to be allowed and the notice Annexure 'A' is required to be quashed and set aside.

In the result, the notice Annexure 'A' is quashed and set aside. Interim relief stands vacated. Rule is made absolute with no order as to costs.

Before parting, we would direct GPCB to inspect the unit and make report to the Court on or before 20.10.1997 by visiting the unit at least on two occasions having interval of at least 10 to 15 days. Compliance report to be filed by GPCB.